

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the
State Emergency Response Commission

The State Emergency Response Commission will hold a public hearing at **9:00 a.m. on April 13, 2006 at the Professional Engineers & Land Surveyor's Board Room, 1755 E. Plumb Lane, Suite 130, Reno, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations, which pertain to Chapter 459 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The proposed regulations and amendments are needed to:

- a) provide updates in grant management regulations;*
- b) establish a fee for the submission of toxic chemical release forms;*
- c) revise the maximum fee collected from companies to include the toxic chemical release form;*
- d) establish an appeal process;*
- e) revise the fees available for expenditure by way of grant award or allocation; and*
- f) repeal regulation requiring the submission of an annual progress report from the local emergency planning committees.*

2. Either the terms or the substance of the regulation to be adopted, amended, or repealed, or a description of the subjects and issues involved.

To establish and revise various regulations relating to grant management policies.

To establish the fees collected for the submission of toxic chemical release form. This amount was previously established in NRS. There is no change to the amounts currently being collected.

To include the maximum fee collected from facilities who store and/or manufacture hazardous materials and/or submit toxic chemical release forms. This revision is to add the submission of toxic chemical release form fee to the overall maximum fee collected. There is no change to the amounts currently being collected.

To establish regulation concerning appeal procedures regarding grant-related decisions.

To include the expenditure of fees collected pursuant to subsection 4 of NRS 482.379365 and by submission of toxic chemical release form by way of grant awards.

To repeal NAC requiring the submission of an annual progress report by the local emergency planning committees.

3. The estimated economic effect of the regulation on the business, which it is to regulate, and the public:

Adverse effects: No adverse effect of grants management. No adverse effect of amount of fees or maximum fees collected as these amounts are currently being imposed.

Beneficial effects: Makes grant management more efficient. Provides regulations regarding fees collected and their expenditure by way of grant awards or allocations to support to State and local first responders.

Both immediate and long-term effects.

Makes grant management more efficient.

Provides fee funds to support State and local first responders.

4. The estimated cost to the agency for enforcement of the proposed regulation.

None.

5. A description of and citation to any regulations of other state or local governmental agencies, which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulated federal agency.

Federal Superfund Amendment Reauthorization Act: 42 USC Sec. 11001.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not applicable.

7. If the regulation includes provisions which are more stringent than federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation will include the fee for submitting a toxic chemical release form in the existing maximum fee of \$7,500.

Persons wishing to comment upon the proposed action of the State Emergency Response Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to the State Emergency Response Commission. Written submissions must be received by the State Emergency Response Commission on or before April 28, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Emergency Response Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the State Emergency Response Commission, 2621 Northgate Lane, #10, Carson City, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653m and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I, Suzanne L. Adam, posted or caused the posting of this agenda on or before **March 13, 2006**, 9:00 a.m. at the below locations:

Emergency Response Commission – 2621 Northgate, Suite 10 – Carson City
Professional Engineers & Land Surveyor’s Board Room – 1725 E. Plumb Lane, Suite 130 – Reno
Capitol Building – Capitol Complex – Carson City
Grant Sawyer Building – 555 E. Washington Street – Las Vegas
Carson City Public Library – 900 N. Roop Street – Carson City
Churchill County Library – 553 S. Maine Street – Fallon
Clark County Library – 833 Las Vegas Boulevard North – Las Vegas
Douglas County Library – 1625 Library Lane – Minden
Elko County Library – 720 Court Street – Elko
Esmeralda County Library – 10 Montezuma Street – Silver Peak
Eureka Branch Library – 210 South Monroe Street – Eureka
Humboldt County Library – 85 East 5th Street – Winnemucca
Lander County Library, Battle Mountain Branch – 625 S. Broad Street – Battle Mountain
Lincoln County Library – 93 Main Street – Pioche
Lyon County Library – 20 Nevin Way – Yerington
Mineral County Library – 110 First Street – Hawthorne
Tonopah District Library – 167 S. Central – Tonopah
Pershing County Library- 1125 Central Avenue – Lovelock
Storey County Library – 95 South R Street – Virginia City
Washoe County Library – 301 S. Center – Reno
White Pine County Library – 950 Campton Street – Ely

We are pleased to make reasonable accommodations for members of the public who are disabled. If special arrangements are necessary, please notify the Commission at 687-6973. Twenty-four hours advance notice is requested.